



17W
Dkt. 68262-A/JPW/PJP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter Brink et al.
Serial No. : 10/757,827
Filed : January 15, 2004
For : **MESENCHYMAL STEM CELLS AS A VEHICLE FOR ION
CHANNEL TRANSFER**

1185 Avenue of the Americas
New York, New York 10036
November 4, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

INFORMATION DISCLOSURE STATEMENT

In order to ensure compliance with applicants' duty of disclosure under 37 C.F.R. §1.56 and §1.97(a)-(d), applicants hereby submit this Information Disclosure Statement.

An International Search Report in a corresponding PCT case was issued July 27, 2005.

In compliance with his duty of disclosure under 37 C.F.R. §1.56, applicant directs the Examiner's attention to the following references, which are listed on the accompanying form PTO-1449 (Exhibit A). References 1 to 5 are attached hereto as Exhibits 1 to 5 respectively.

11/08/2005 ZJUHA1 00000047 10757827

01 FC:1806

180.00 OP

Applicants : Peter Brink et al.
Serial No. : 10/757,827
Filed : January 15, 2004
Page 2

1. U.S. 5,591,625 to Gerson et al. Exhibit 1;
2. U.S. 6,387,369 B1 to Pittenger et al. Exhibit 2;
3. Potapova, I. et al., Human Mesenchymal Stem Cells as a Gene Delivery System to Create Cardiac Pacemakers, Circ Res. April 2004, Vol. 94, No. 7, pages 952-959, Exhibit 3;
4. Michael Rosen et al., Genes, stem cells and biological pacemakers, Cardiovasc Res. October 2004, Vol. 64, No.1, pages 12-23, Exhibit 4;
5. Qu, J. et al. Expression and function of a biological pacemaker in canine heart. Circulation, March 2003, Vol. 107, No. 8, pages 1106-1109, Exhibit 5;

Applicants maintain that the above-listed reference does not disclose or suggest applicants' claimed invention.

Applicants also submit herewith as Exhibit B a copy of the International Search Report in connection with corresponding PCT application No. PCT/US04/00950, and a copy of the Written Opinion.

If a telephone conference would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone at the number provided below.

Applicants submit the fee of \$180 in accordance with 37 C.F.R. § 1.17(p). No other fee is believed to be due in connection with the filing of this Information Disclosure Statement. However, if any other or additional fee is required, authorization is hereby

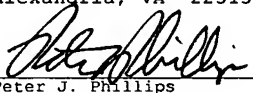
Applicants : Peter Brink et al.
Serial No. : 10/757,827
Filed : January 15, 2004
Page 3

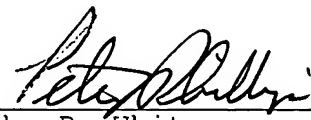
given to charge the amount of any such fee to Deposit Account No.
03-3125.

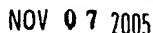
Respectfully submitted,

I hereby certify that this correspondence
is being deposited this date with the
U.S. Postal Service with sufficient
postage as first class mail in an
envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

 11/4/05
Peter J. Phillips Date
Reg. No. 29,691


John P. White
Registration No. 28,678
Peter J. Phillips
Registration No. 29,691
Attorney for Applicant
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400



Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet	1	of
-------	---	----

Complete if Known

Application Number	10/757,827
Filing Date	January 15, 2004
First Named Inventor	Peter Brink et al.
Art Unit	
Examiner Name	
Attorney Docket Number	0575-68262-A

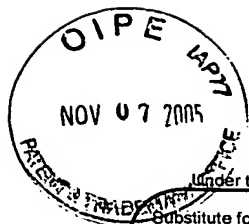
U. S. PATENT DOCUMENTS

[illegible]

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08B (07-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/757,827
Filing Date	January 15, 2004
First Named Inventor	Peter Brink et al.
Art Unit	
Examiner Name	
Attorney Docket Number	0575-68262-A

Sheet	2	of	2
-------	---	----	---

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	3	POTAPOVA, I. et al., Human Mesenchymal Stem Cells as a Gene Delivery System to Create Cardiac Pacemakers, Circ Res. April 2004, Vol. 94, No. 7 pages 952-959.	
	4	ROSEN, Michael et al., Genes stem cells and biological pacemakers, Cardiovasc Res. October 2004, Vol. 64, No. 1, pages 12-23.	
	5	QU, J. et al., Expression and function of a biological pacemaker in canine heart. Circulation, March 2003, Vol. 107, No. 8, pages 1106-1109.	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.